Randal R. Leonard, Esq. Nevada Bar No. 006716 500 South 8th Street Ī Las Vegas, NV 89101 (702) 598-3667 Attorney for Debtor 4 UNITED STATES BANKRUPTCY COURT 5 DISTRICT OF NEVADA 6 Case No.: BK-S-09-20846-BAM In re: 7 Chapter 13 DANNY D. SIMPKINS, 8 MOTION TO AVOID LIEN Debtor. 9 Hearing Date: September 17, 2009 Hearing Time: 3:30 p.m. 10 COMES NOW Debtor(s) DANNY D. SIMPKINS, by and through counsel, Randal R. 11 Leonard, Esq., and hereby moves that this Court enter an Order avoiding the lien in second 12 position against that property commonly known as 1549 Silver Falls Avenue, Las Vegas, NV 13 89123 in favor of Specialized Loan Services, L.L.C. (SLS). This Motion is based upon the].‡ 15 pleadings and papers in file herein and the Memorandum of Points and Authorities attached 16 hereto. 17 Dated this 13th day of August 2009. 18 19 20 Randas R. Leonard, Esq. 21 Randal R. Leonard, Esq. Nevada Bar No. 006716 500 South 8th Street 22 Las Vegas, NV 89101 23 (702) 598-3667 Attorney for Debtor 24 25

MEMORANDUM OF POINTS AND AUTHORITIES

I.

STATEMENT OF THE FACTS

Debtor filed the instant matter on or about June 23, 2009. Rick A. Yarnall, Esq. was duly appointed as the Trustee in this matter.

On or about January 21, 2005 Debtor purchased that certain real property commonly known as 549 Silver Falls Avenue, Las Vegas, NV 89123 for a total purchase price of \$408,000.00. A true and correct copy of the deed transferring said property to Debtor is attached as Exhibit A. In order to purchase the above property, Debtor signed a Note secured by a Deed of Trust in first position in favor of The Bank of New York Mellon, fka The Bank of New York (BNY). The total amount owing the 1st is \$326,400.00. Please see BNY's Proof of Claims attached hereto as Exhibit B. Debtor also signed a Note secured by a Deed of Trust in second position in favor of Specialized Loan Services (SLS) as well. The total amount owing the 2nd is \$559,693.07. As SLS has not filed a Proof of Claim, please see SLS's Mortgage Statement attached hereto as Exhibit C.

Debtor recently employed Vegas Valley Appraisers to appraise the subject property. The appraisal is attached as Exhibit D and was determined to be \$210,000.00. Therefore, because the Note in first position is owed approximately \$326,400.00 as according to the Proof of Claim attached as Exhibit B, the Note in second position held by SLS is wholly unsecured.

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II.

SLS DOES NOT HAVE A SECURED CLAIM REGARDING THEIR LOAN IN SECOND POSITION

11 U.S.C. § 506(a) bifurcates a creditor's allowed secured claim into two parts: (1) secured to the extent of the value of the property to which the creditor's interest attached; and (2) unsecured to the extent the claim exceeds the value of the underlying property. Therefore, not all secured interests will be "secured claims" in bankruptcy cases. In re Zimmer, 313 F.3d 1220 (9th Cir. 2002). Additionally, the Zimmer case holds that if the value of the first lien secured by real property is more than the value of the property itself, then the second lien is wholly unsecured and may be stripped off. Id.

In this matter, BNY holds the lien in first position against the Debtor's property commonly known as 1549 Silver Falls Avenue, Las Vegas, NV 89123. The principal balance owing to BNY is \$326,400.00. SLS also holds a lien in second position against the above property and the principal balance owing on the second lien is \$59,693.07. Since the appraisal of the subject property is \$210,000.00 and is less than the amount owed to the first lien in this case held in favor of BNY, then the second lien in favor of SLS is wholly unsecured and can be "stripped off."

III.

SLS'S LIEN IN SECOND POSITION IS VOID

11 U.S.C. § 506(d) states in relevant part as follows:

- (d) To the extent that a lien secures a claim against the debtor that is not an allowed secured claim, such lien is void, unless-
 - (1) such claim was disallowed only under section 502(b)(5) or 502(e) of this title; or
 - (2) such claim is not an allowed secured claim due only to the failure of any entity to file a proof of such claim under section 501 of this title.

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As a result of the fact that SLS's lien in second position is not an allowed secured claim under section 506(a), section 506(d) would therefore render the lien void.

IV.

SLS'S CONTRACT RIGHTS MAY BE MODIFIED THROUGH DEBTOR'S CHAPTER 13 PLAN

11 U.S.C. § 1322(b)(2) allows a debtor to modify the rights of secured claim holders except those secured claim holders who have claims secured by the debtor's principal residence. Nevertheless, the Zimmer case cited above allows a debtor to modify the rights of those claims that are wholly unsecured even where the lien question is against the debtor's principal residence.

In conclusion, Debtor respectfully requests that the Court allow the Debtor to treat SLS's lien in second position as a wholly unsecured claim. Further, Debtor respectfully requests that the Court enter an Order that SLS's lien in second position have no further force or effect against that certain real property commonly known as 1549 Silver Falls Avenue, Las Vegas, NV 89123.

Dated this 13th day of August 2009.

Randal R. Loonard, Egg.

Randal R. Leonard, Esq. Nevada Bar No. 006716 500 South 8th Street Las Vegas, NV 89101 (702) 598-3667 Attorney for Debtor

EXHIBIT A

20050121-0002563

Fee: \$17.00

ROTT: \$2,080.80

MIC Fee: \$0.80

91/21/2005

13:42:12

WS

126850014035 Requestor:

CHICAGO TITLE

Frances Deane

Clark County Recorder Pgs: 4

ESCROW NO: 04122845-067-MLB

Beverly Hills, CA 90211

APN: 177-23-410-032

STATEMENT TO:

DANNY D. SIMPKINS

287 S. Robertson #204

Affix R.P.T.T. \$2,080.00

GRANT, BARGAIN, SALE DEED

THIS INDENTURE WITNESSETH: That

WHEN RECORDED MAIL TO and MAIL TAX

Deanna Otton, a married woman as her sole and separate property

in consideration of \$10.00 and other valuable consideration, the receipt of which is hereby acknowledged, do hereby Grant, Bargain, Sell and Convey to

Danny D. Simpkins, A Single Man

all that real property situated in the County of Clark, State of Nevada, bounded and described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

- 1. Taxes for the current fiscal year, paid current.
 - 2. Conditions, covenants, restrictions, reservations, rights, rights of way and easements now of record, if any.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

Witness my/our hand(s) on December 20, 2004

SELLERS:

Deanna Ottor

Page 1 of 3

ESCROW NO: 04122845-067-MLB	
STATE OF NEVADA)) ss.	Escrow No. 04122845-067-MLB
COUNTY OF Clark	
On this	
appeared before me, a Notery Public,	
Deanna Otton	
personally known or proven to me to be the person(s) whose name(s) is/are subscribed to the above instrument, who acknowledged that he/she/they executed the instrument for the purooses therein contained.	NOTARY PUB County of Clark-State at MICHELE BAR

Notary Public

My commission expires:

ESCROW NO: 04122845-067-MLB

EXHIBIT A

Lot One Hundred Seventy-six (176) in Block Four (4) of SILVERADO TRAILS - UNIT 1, as shown by map thereof on file in Book 72 of Plats, Page 71 in the Office of the County Recorder of Clark County, Nevada



Page 3 of 3

State of Nevada Declaration of Value . Assessor's Parcel Number(s)	
a) <u>177-23-410-032</u>	•
b)	
c)	
d)	
2. Type of Property:	FOR RECORDER'S OPTIONAL USE ONLY
a) 🗆 Vacant Land b) 💢 Single Fam. Resi	Documentation/Instrument #:
c) 🗆 Condo/Twnhse d) 🗋 2-4 Plex	Book: Page: Date of Recording:
e) [] Apt. Bldg. f) [] Comm'l/Ind'l g) [] Agricultural [] [h] [] Mobile Home	Notes:
i) Other	
3. Total Value/Sales Price of Property	\$408,000.00
그 그 그 그 그 그 그 그 그 그 그 그 그 그 그 그 그 그 그	()
Deed in Lieu of Foreclosure Culy (value of property):	\$408,000.00
Transfer Tax Value:	
Real Property Transfer Tax Due:	\$2,080.80
4. If Exemption Claimed:	
 Transfer Tax Exemption, per NRS 375,090, 8 	Section:
 Explain Reason for Exemption: 	. 59.
 Partial Interest: Percentage being transferred:% 	
The undersigned declares and acknowledges, under possible 10, that the information provided is correct to the by documentation if called upon to substantiate the information disallowance of any claimed exemption, or other detection of 10% of the tax due plus interest at 1% per month. Pur jointly and severally liable for any additional amount	rmation provided herein. Furthermore, the parties agree termination of additional tax due, may result in a penalty resunt to NRS 375.030, the Buyer and Seller shall be
Signature Manna OHON	Capacity Seller
Signature COAM, Sincher	Capacity_BUNEX
SELLER (GRANTORYINFORMATION	BUYER (GRANTEE) INFORMATION
(REQUIRED)	(REQUIRED)
Print Name: Dranna Dtton	Print Name: Darroy 3114 DK 1915 Address: 287 S. Kovoerison #204
Address: 1549 Silver Falls Ave. City: Los Vegas	City: Beyorky Hills
7 m 4417 2	State: <u>CA</u> Zip: 96711
COMPANY/PERSON REQUESTING RECORDING	Escrow #:04122845-067
Print Name: Chicago Title Address: 3980 Howard Hughes Parkway	E3CTOW #:04122645-007
PitulPhatal7in: Lac Vegas, NV 89109	
AND ADDRESS OF THE APPLY	FOR EACH DECLARATION OF VALUE FORM PRESENTED FRECTIVE JUNE 1, 2014.

EXHIBIT B

Case 09-20846-bam Doc 19 Entered 08/14/09 08:29:39 Page 11 of 28

Case 09-20846-bam Claim 2-1 Filed 07/01/09 Page 1 of 26

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEVADA	PROOF OF CLAIM 13	
Name of Debug Daray D. Simpkins, Jr.	Case Namidus 09-20546-4-120	Labor Spatial Est Locations in
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Name of Creditor (The person or other entity to whom the debut owes money or property) The Bank of New York Mellon, fka The Bank of New York as Successor in interest to JPMorgan Chase Bank, NA as Trustee for Structured Asset Mortgage Investments II Inc. Bear Stearns ALT-A Trust 2005-3, Mortgage Pass- Through Certificates, Series 2005-3	Utheck box if you are aware that anyone else has filed a proof of claim telating to your claim. Attach copy of statement giving particulars Utheck box it you have never received any notices from the benkingtey court in this cale. Utheck box if the address differs from the address on the emolecular sounds where we lope sear to you by the court.	
Name & address where notices and payments should be sent: America's Servicing Company as servicer for One Home Campus, MAC ID#X2302-04C Des Moines, IA 50328		
Account or other number by which creditor identifies debtor: 1218059141 / 01-74450	Check here of this claim [[reptaces	previously filed claim, dated
1. BASIS FOR CLAIM Goods sold Services performed X. Money leaned Hersonal injury/wrongful death Taxes Other	Retiree benefits as defined in 11 t Wages, salaries, and compensation Your Securi Security # Unpaid compensation for services py (date)	ratta of a malow)
2. Date debt was incurred: Jamany 7, 2015	3. If court judges and	late obtained:
4. Total amount of claim at time case filed: 5 If all or part of your claim is secured or entit [] Check this box if claim includes interest of itemized statement of all interest or additional of	led to priority, also complete It is other charges in addition to il	em 5 or 6 below. he principal amount of the claim. Attach an
Secured Claim, X Check this box if your claim is secured by collateral (including a right of setoff)	6. Unsecured Priority Claim. [Check this box if you have an Ansum catilled to priority \$	•
Brief description of colleteral X Real Estate	Setere filling of the banking business, whichever is earl [[Contributions to an emplo	ssions up to \$4.650° camed within 90 days ptey perition, or cessation of the debtor's
filed included to secured cham, if any \$18,090,39* * Arrestages, as set forth in Schedule "A" attached. Plus according interest, late charges,	□Alumeny, maintenance, er child-14 USC, § 507(20) □ Faves er penalties owed to □OFHI/R-Specify applicabi	o governmental units. II-U S.C. § 507(3)(S) he panagraph of H-U.S.C. § 507(a)(). of 41/98 and every three years thereafter with respect to cases.
7. Credits: The amount of all payments on this claim has a purpose of making this proof of claim 8. Supporting documents: Attach copies of supporting documents attach copies of supporting do puchase orders, invoices, itemized statements of namin judgments, mongages, security agreements, and evident SEND ORIGINAL BOCUMENTS. If the documents a documents are voluntations, attach a straining. 9. Date-Stamped copy: Foreceive on acknowledgment of strainpad, self-addressed envelope and a copy of this pro-	connears, such as promissory notes glacerisms, contracts, court se of perfection of Fen. TXO NOS to not available, explain. If the tille filling of your claim, enclose a	(Imv учис ва самнис)
Date: July 1, 2009 WIL OR, &	ASSOCIATES, coansel for creditor	
Penalty for presenting innebalous claim. Fine of un to \$500	FIRM or imerisonment for an to 5 years	or both 48 37 S.C. 85 152 & 3574

EXHIBIT C

0230852 000008926 095602 0936845

GLAM 9310 SOUTH EASTERN AVE #105

DANNY DISIMPKINS

Property Address:

1549 SILVER FALLS AVE

LAS VEGAS NV 89123

LAS VEGAS NV 69123-6844

Statement Date: 03/18/09 Accol. lumber: 1000531334

Payment Summary

Payment Due Date: 04/01/09
Current Payment: \$531.43
Past Due Payments: \$2,125.72
Escrow Payment: \$0.00
Amort Fee Payment: \$0.00
Optional Ins. Payment: \$0.00
Outstanding Late Charges/Fees: \$318.55
Suspense Balance: \$0.00

Total Amount Due: \$2,975.70

Account Summary

Principal Balance*: \$59,693.07
Escrow Balance: \$0.00
Interest Rate: 9.875%
Interest Paid to Date: \$0.00
Taxes Paid to Date: \$0.00
*This principal balance does not reflect the total

ins principal balance does not reflect to emount required to pay your loan in fulf.

IMPORTANT NOTES

- Specialized Loan Servicing is committed to courteous and responsive service, accurate and Emely handling of your payments and simple, direct answers to your questions.
- Specialized Loan Servicing is pleased to offer a quick and easy way to make your mortgage payment. You may now sign up for our Automatic Payment Drafting by calling our Customer Care Center. Simply contact a customer care associate by calling 1-800-315-4SLS (4757) during our regular business hours, Monday through Friday, 7:00 am to 6:00 pm MST.
- For up to the minute information about your account, use our 24-hour automated information system. You can also access
 account information or make your monthly payment by going to our website at: www.sls.net For questions regarding this
 statement, to make a payment or general account information please call our Customer Care Center at 1-800-315-4SLS (4757)
 associates are available to assist you Monday through Friday, 7:00 am 6:00 pm MST. TDD 1-800-268-9419, Monday through
 Friday, 8:00 am to 5:00 pm MST.

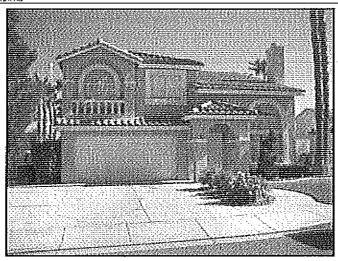
Thank you for your business!

TRANSACTION SUMMARY

				[]	Escrow/	Late	Fees/
Date	Description	Total	Interest	Principal	Impound	Charge	Advances
	Fees Billed prop inspection fee	10.35	0.00	0.00	0.00	0.00	10.35
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(A)	Las Veças	County Crank	State NV	Ãр Coća 89123-3530
Clari	Damy Simpkins			



07/09/2009

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> Tanya Jackson 1549 Siver Fafs Avenue North Las Vegas , NV 59051

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£16 No. 907-04| Page #2

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3	Provide adequate internation for replication of the following cost figures and caldular	
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Fielo \$07-]1 Page #4

Assumptions, Limiting Conditions & Scope of Work

F2€No. 907-04 Properly Address: 1549 Sther Falls Ave. িক Las Vecas Address: 1549 Séver Falis Avenue , Las Vegas , NV 89123 មែន: Danny Simpkins Address: 5604 Distant Drum , North Las Vegas , NV 89081

STATEMENT OF ASSUMPTIONS & LIMITING CONDITIONS — The appraiser will not be responsible for matters of a legal nature that effect wither the property being appraised or the life to it. The appraiser

assumes that the title is good and marketable and, therefore, will not render any opinions about the title. The property is appreised on the desisof it being under responsible ownership.

The appraiser may have provided a sketch in the appraisal report to show approximate dimensions of the improvements, and any such sketch
is included doly to assist the reader of the report in visualizing the property and understanding the appraisan's determination of its size. Unless

otherwise indicated, a Land Survey was not performed.

- If so indicated, the appraiser has examined the avaitable flood maps that are provided by the Federal Emergency Management Agency (or other data sources) and has noted in the appraisal report whather the subject site is located in an identified Special Flood Hazard Area. Because the appraiser is not a surveyor, ha or she makes no guarantees, express or implied, regarding this determination.

— The appraiser will not give testimeny or appear in court because he or she made an appraisal of the property in question, unless specific

arrangements to do so have been made beforehand.

— If the cost approach is included in this appraisal, the appraiser has estimated the value of the land in the cost approach at its highest and best use, and the improvements at their costributory value. These separate valuations of the land and improvements must not be used in conjunction. with any other appraisal and are invalid if they are so used. Unless otherwise specifically indicated, the cost approach value is not an insurance value, and should not be used as such.

 The appraiser has noted in the appraisal report any adverse conditions (including but not limited to, needed repairs, depreciation, the presence. of hazardous wastes, foxic substances, etc.) observed during the inspection of the subject property, or that he or she became aware of during the normal research involves in performing the appraisa". Unless otherwise stated in the appraisal report, the appraisar has no knowledge of any hidden or unapparent conditions of the property, or adverse environmental conditions (including, but not Emited to, the presence of hazardous wastes, toxic substances, etc.) that would make the property more or less valuable, and has assumed that there are no such conditions and makes no guarantees or warrantees, express or implied, regarding the condition of the property. The appraisar will not be responsible for any such conditions that colexist or for any engineering or testing that might be required to discover whather such conditions exist. Because the appraiser is not an expert in the field of environmental hazards, the appraisal report must not be considered as an environmental assessment of

-- The appraiser obtained the information, estimates, and opinions that were expressed in the appraisal report from sources that he or she considers to be reflable and beseves them to be true and correct. The appraiser does not assume responsibility for the accuracy of such items

that were furnished by other parties.

-- The appraiser will not disclose the contents of the appraisal report except as provided for in the Uniform Standards of Professional Appraisal Practice, and any applicable federal, state or local laws.

 If this appraisal is indicated as subject to satisfactory completion, repairs, or atterations, the appraiser has based his or her appraisal report. and valuation conclusion on the assumption that completion of the improvements will be performed in a workmanike manner.

— An appraiser's client is the party (or parties) who engage an appraiser in a specific assignment. Any other party acquiring this report from the client does not become a party to the appraiser-client relationship. Any persons receiving this appraisal report because of disclosure requirements applicable to the appraiser's client its not become intended users of this report unless specifically identified by the idient at the time of the

 The appraiser's written consent and approval must be obtained before this appraisal report can be conveyed by anyone to the public, forough advertising, public relations, news, sales, or by means of any other media, or by its linclusion in a private or public detabase.

 An appraisal of real property is not a "home inspection" and should not be construed as such. As part of the valuation process, the appraiser. performs a non-invasive visual inventory that is not intended to reveal defects or detrimental conditions that are not readily apparent. The presence of such conditions or defects down assertedy affect the appraiser's opinion of value. Clients with concerns about such potential negative factors are encouraged to engage the appropriate type of expert to investigate.

The Scope of Work is the type and extent of research and analyses performed in an appraisal assignment that is required to produce credible assignment results, given the nature of the appraisal problem, the specific requirements of the intended user(s) and the intended user appraisal report. Reliance upon this report, regardless of how acquired, by any party or for any use, other than those specified in this report by the Appraiser, is prohibited. The Opinion of Value that is the conclusion of this report is credible only within the context of the Scope of Work, Effective Date, the Date of Report, the Intended User(s), the Intended Use, the stated Assumptions and Limiting Conditions, any Hypothetical Conditions and/or Extraordinary Assumptions, and the Type of Yalve, as defined herein. The appraiser, appraiser fam, and related parties assume no obligation, liability, or accountability, and will not be responsible for any unauthorized use of this report or its conclusions.

Additional Comments (Scope of Work, Extraordinary Assumptions, Hypothetical Conditions, etc.):

718 No. 907-04 Page #5

Certifications	4.	
	Fie No.	907-C4

C	Certifications	fie No.: 907-C4
Γ	Proony Access: 1549 Silver Falls Ave	City Las Vegas Stati NV Zp Cott: 89123-3830
	Clert Danny Smokins	Address: 1549 Saver Falls Avenue , Las Vegas , NV 89123
1	Aspraisa: Shawri Kinney	Abbress: 5604 Distant Drumi, North Las Vegas , NV 89081
	APPRAISER'S CERTIFICATION	
	I certify that, to the best of my knowledge and be	
ू	The statements of fact contained in this report	
		by the stated user(s), of the reported analyses, opinions, and conclusions are imited only by
3		and are my personal, impartial, and unbiased professional analyses, opinions, and corobisions.
l	I nave no present or prospective interest in the	properly that is the subject of this report and no personal interest with respect to the parties
	involved.	tration throughthere are a reserved on the second of the second
18	— I have no dias with respect to the property tha	is the subject of this report or to the parties involved with this assignment.
	— My engagement in this assignment was not or	rängent upon developing or reporting predatermined results
18		ert is not contingent upon the development or reporting of a predetermined value or direction
3		out) of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequen
8	event directly related to the intended use of this a	
H		exeloped, and this report has been prepared, in conformity with the Uniform Standards of
3	Professional Appraisal Practice that were in effect	
] I dis not base, either partially or completely, n	r analysis and/or the opinion of value in the appraisal report on the race, color, religion,
ľ		either the prospective owners or cocupants of the subject property, or of the present
li	flowners or occupants of the properties or the vicin	y of the subject property.
l	— Unless otherwise indicated, I have made a per	onal inspection of the property that is the subject of this report.
15	Unless otherwise indicated, no one provided s	prificant real property appraisal assistance to the person(s) signing this certification.
3	Additional Certifications:	
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8	DEFINITION OF MARKET YALUE *:	A CONTRACTOR OF THE PROPERTY O
Ş		a property should bring in a competitive and open market under all conditions requisite
3		ently and knowledgeapsy, and assuming the price is not affected by undue stimulus.
2		sals as of a specified date and the passing of title from seller to buyer under conditions
5	whereby:	
ĝ	Buyer and seller are typically motivated;	
	A point parties are well mad med of well ackised a	ct acting in what they consider their own best interests;
	3. A reasonable time is allowed for exposure in the	
		s or in terms of financial arrangements comparable thereto, and
		r the property sold unaffected by special or creative financing or sales concessions
	granted by anyone associated with the sale.	
	 This desiration is from rept afford brows replay. 	deral regulatory agencies gurswant to Title XI of the Financial Institutions
	Reform, Recovery, and Entorcement Act (##HHEA)	of 1989 between July 5, 1990, and August 24, 1990, by the Federal Reserve System
ā	(HKS), National Credit Union Administration (NCII)	r. Federal Deposit Insurance Corporation (FDVC), the Office of Thrift Supervision (OTS),
B		. This definition is also referenced in regulations jointly published by the OCC, OTS.
33	FHS, and Hull on June 7, 1994, and in the interag	rncy Appraisal and Evaluation Guidelines, dated October 27, 1994.
	Charles Council Day 10	CtI U C. B
3	Client Contact - Denny Simpkins	Cfed Name Denny Simpkins
	E-Mail: jordan daniels@aol.com	Address: 1549 Salver Fails Avenue Las Vegas , NV 89123
	APPRAISER	SUPERVISORY APPRAISER (if required)
ä		or CO-APPRAISER (if applicable)
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5	The town	Section a
GNATURES	Appropriate Strawn Kircov	Lo Appreisa Name
ĕ	Сэтрагу: Vegas Valey Appraisers	Corpsy.
m,	Phone: <u>(702) 951-7573</u> Fac (702) 9	r'-5579 Flore: fax:
8::::	E-Mail: shawn@vegasvalevaporaisers.com	EAST
ı	for Reson Scred: Prov 23, 2009	Tue Ferrit Street

Designation <u>Na</u>

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Lease or Can region #: A 0007562-CR

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Fig No. 907-04 Page #6

Market Conditions Addendum to the Appraisal Report Fle No. 907-04 The purpose of this settlemourn is to provide the looder, cliest with a close and accorate professioning of the merical bands and conditions previously in the sobject ncigitacmond. This is a required additedum for all appreise reports with an effective dute on on after April 1, 2009. State NV ZP Coc€ B9123-3B30 Froogly Address 1549 Silver Falls Ave. 다/Las Vegas Borrows in/a histoctions. The appresentual like the nigration required on this form as the basis for his for conclusions, and must provide support or those conclusions, requiring iousing trads and ovaral market conditions as reported in the Meighborbood section of the appraisal report form. The appraisar most fill in all the information to the extent t is exallable and reliable and mest provide analysis as incitated below. If any required cata is energiable or is considered constable, the econolism must provide an operation it is recognized fest not at data scorpes will be able to provide data for the shaded areas below, it it is available, boxwar the experience must not do the data s te anyss. I dib some provid te repris d'orazione, en avaon retau el te recier, te popier social robité aciab (que entidativ il es ex areage. Sales and listings most be proceeds that compare outside scalent property, determined by applying the offests that could be used by a prospective bayer of the estjat popery. Tre appelee med explainary aromeles is the deal such as essonel medels, new constactor, forecesses, ex Prior 7-12 Matris | Fror 4-6 Montes | Curent ~ 8 Norths innestory Arelysia | | huasing | | State | | huasing | | State ්රක් ඒ ශ් රගතකක වෙස්ස (පිනාන) Dadrica 23 13 13 Absorption Rate (Total Seles/Mordie) 3.83 4.33 4.33 Declaring y Daling | Sect. Total # of Comparable Active Listings 125 46 17 horazion N Onliny 🗌 Swe Norths of Hazzing Saxoly (Total Listings/Ad-Pate) hreestat 10.6 3.9 32.5 Curry - 3 Morre Median Sale & List Price, DOM, Sale Alist % Prior 7-12 Marcis Fred 4-6 Mont's Overall Trends Median Comparable Sale Price ∏ horeasing ∏ Stepe 225,000 185,500 170,000 Median Comparable Sales Days on Marief. [4] Declairo T St≊te hussing 139 114 ĉ0 I remaine | State Declarati Median Comparable List Price 224,999 179,900 150,000 [≼] fextering [□] Sizes :: □ troversing [⟨√] Sizes horathy Median Comparable Listings Days on Market 139 114 ΒĐ Međan Sale Price as Scot List Price 103 100 Saler-(daveloper, builder, exclosid fixancial assistance prevalen? Deciring 🔯 Statile hossini 163 hc. Epplain in detail the sellar econoessions tranés for the past 12 months (e.g., sellar comit all one increased from 5% to 5%, increasing use of beythowns, dosing costs, conto lees, cotione, etc.). Seller concessions in the outtent market were ranging from 0-7%, with a mean of 2%. Concessions prior 7-12 months mean of 2%, 4-6 months mean of 2%, current-3 months mean of 2% Are torsobsure saks (REO spes) a factor in the merker? 🔯 Yes 📋 No. 🛮 It yes leculatin (not ding the trends in Visitings and saks of foreobsed properties). Out of 67 comparable sales, 84% were listed as bank owned/short sales and Out of 31 comparable listings, 87% were listed as bank owned/short sales. Currently 31 comparable homes isted for sale, 24 are in contract and 23 are listed as yacant in the subject's market area. I majority of the pending sales are currently bank owned short sales. Out of the 24 pending comparable sales 22 were listed as bank owned/short sale properties. The median list price for the cending/contingent sales is \$166,900 with a median of 77 DOM. Cità data scarces for estive information — M.L.B./Crarix Country Assessor Surrasiza ta abba information as explorator your cords one in the Wighterfood section of the appreciational information, each as en erelysis of peading selea and/or explicat and withheren listery. Its formalize your conclusions, provide both en explication and sepport for your conclusions, The subjects market area declined in the time period from 07/2008-05/2009 aprox. 27,7% based on contract dates of comparable properties. New construction activity has slowed as REO properties increased in the market. Neighborhood section is not on the form, it is the Market area secton. If the subject is a writ in a concominam or cooperative project, complete the following: Project Name: Subject Protect Data Pret 7-12 Norths Overal Trans Outer + 1 Marris | Increasing || || || Stable Total # of Comparable Sales (Septed) Declinica Atsorpäon Rizo (Total Salas Mortis)) transing 📋 Stabe Occlosing Decorno Szoe Total # of Active Comparable Listings Mestre of Unit Suppy (Total Estings/Ab Pate) Deciring 524 hcr325111 Are foreclosure seles (REO seles) a fector in the project? 📋 Yes 📋 No 🔠 If yes, indicate the number of REO Intimps and scoots the trends or intimps and seless of freducid projetis Surmains te above raics and adoress the incection the subject entrarcipment. Signatur ្រំជំនួន Hean Kinney Sapary say Appraisar Marre Conçasy Name — Vegas Valley Aportaisers Company Rissa Сотрату Addres — 5604 Distant Drum , North Las Vegas , NV в9081. Company Address State License Certification # IA.0007562-CRI State License/Certification # tr-Email Address Etral ACCES - shawn@vegasvalleyappraisera.com -

Freddie Mac Form 71 - March 2009

Page 1 of 1

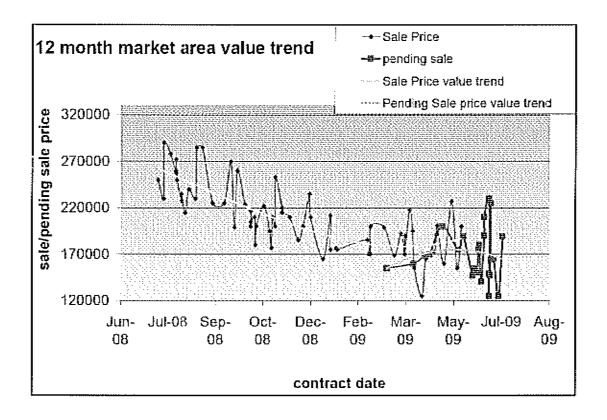
Fancie Mae Form 1004MC - March 2009

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File No. 907-64 Page #7

12 Month Market Area Value Trend(Comparable Properties)

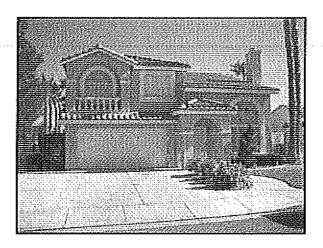
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Property Address	1549 Silve: Falls Ave			
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Clart	Darmy Simplens			



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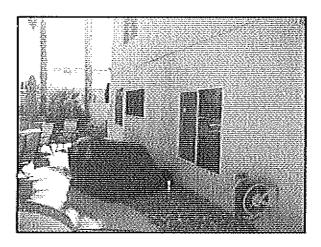
Subject Photo Page

Ботожег	n'a					
Property Accress	1649 Silver Fals Ave					
€ij	Las Vegas	Courty Cark	2:2:2	ΝV	69123-353	
Cier	Danny Simpkins					

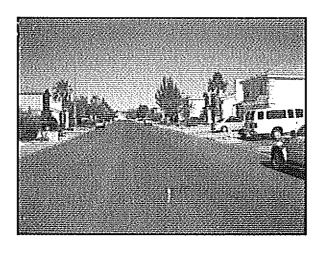


Subject Front

1549 Siver Falls Are
Salts Pice
Sress Living Area 1,979
Total Records 7
Total Records 4
Total Resorder 2,5
Eocator average
Very neighborhood
Ste 0,17 acres +/Cubity average
Age 13



Subject Rear

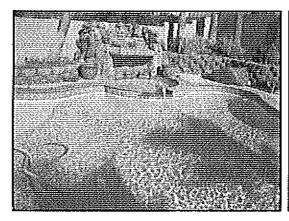


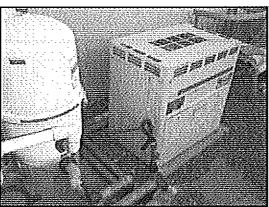
Subject Street

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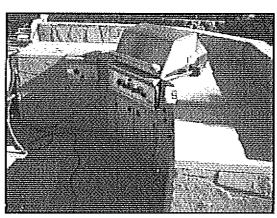
Photograph Addendum

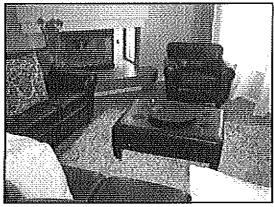
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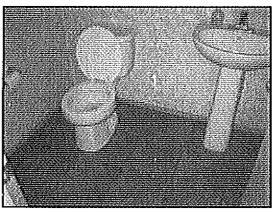


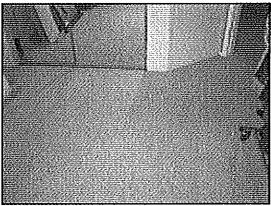
pool/spa pool equipment





the family room



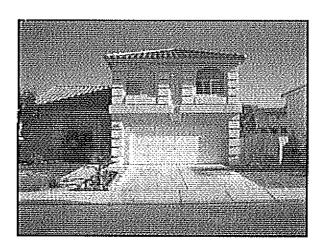


.5 bath bedroom

File No. 907-04| Page #10

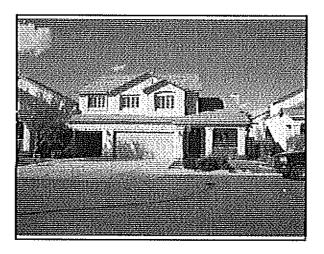
Comparable Photos #1-3

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Cdy	Las Vegas	Ourly Cark	 State MV	Zp Coce	89123-3630	
Clest	Damry Simpkins		 			



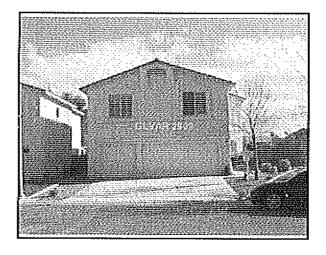
Comparable 1

1496 Silver Kholf Avenue 0.06 mäes NW Press to Subject Salas Price 199,000 Sittes Liking Area 1,559 Tatal Reams 6 Tota Bedroms 3 Total Bethrocas 2.5 Location average ¥£37 neighborhood Ste 0.15 acres +/-Casity average 11 Å\$8



Comparable 2

880 Lustery ew Court Prox. to Subject 0.69 miles W Saes Price 191,000 Gross Elving Area 1,931 Total Recars Total Economis Total Ballinoons 25 lection average 157 neighborhood 95 0.12 acres -/-Osto average 11 $\delta_{\overline{k}}$



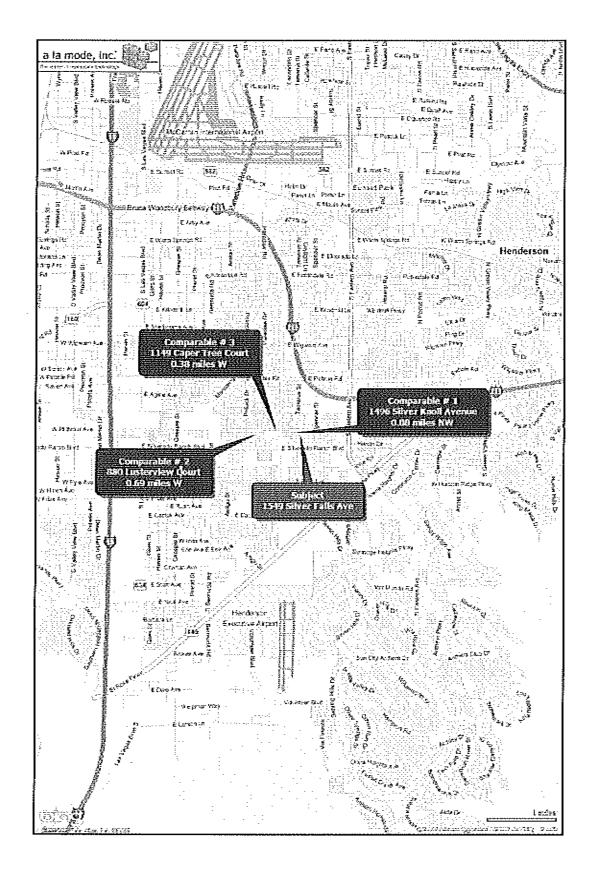
Comparable 3

1149 Caper Tree Court Frac to Sobject 0.35 mäes W Sales Price 227,000 Gross Living Area 2,148 Tat⊵ Pcoms Total Bedreems Тові Верткой в 2.5 average 1002508 Yest neighborhood SΞ 0.20 acres +/-Casty average Age

Fielo 507-C4 Par: #11

Location Map

Bertae	ηa			
Property Acors	3 1549 Silver Palis Ave			
City	Las Vegas	County Clark	£29 NV	Δp Code B9123-3630
Clert	Damy Smokins			



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Fielio, 507-04: Page #12

Plat Map

Ботокжи	s/a			
Property Address	1549 Silver Falls Ave			
City	Las Vegas	County Clark	VM std2	Zo Code 89123-3830
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5604 Distant Drum Road		907-04	1
North Las Vegas, NV 89061		DATE	
700-1	e v TAD BE4 5570	07/09/200	09
Telephone Number: 702-951-7573	Fau Number: 702-951-5579		T
TO:		htetal@de#: 907-04	•
Danny Simpkina		Lander Case #:	
Davry Smpkins		Clert File #:	
1549 Silver Falls Avenue		Uzin Fla# or form: 907-04	
Las Vegas , NV 59123		Other File # conform:	
• • • • • • • •		Federal Ter D:	
Tekphore Number: Alemate Number:	Fair Necrater: E-19a1:	Engloyer D:	
DESCRIPTION Lender: Purchaser/Borrower: n/a Property Address: 1549 Silver Fails Ave Offy: Las Vegas County: Clark Legal Description: Silverado Trais-Unit #	State: NV		3-3530 AMOUNT
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